

MISSISSIPPI COMMISSION ON MARINE RESOURCES

EXTENSION OF EMERGENCY ORDER

WHEREAS, on October 18th, 2005, the Commission on Marine Resources adopted and passed an Emergency Order (No. 101805-02); and

WHEREAS, the Emergency Order of October 18, 2005 is limited in duration by Mississippi Code Section 25-43-3.108 to a period of 120 days; and

WHEREAS, Mississippi Code Section 25-43-3.108 authorizes agencies to extend emergency orders for an additional period of time not to exceed 90 days; therefore

BE IT RESOLVED BY THE MISSISSIPPI COMMISSION ON MARINE RESOURCES THAT:

The Commission on Marine Resources finds that there continues to be imminent peril to the public welfare as a result of the destruction of public roads and bridges and that it is in the best interest of the citizens of the State of Mississippi to extend the Emergency Order to expedite the permitting procedures for public projects associated with the restoration of the roadways, highways, bridges, and other infrastructure in the three coastal counties.

Further, the Commission on Marine Resources finds that there is imminent peril to the public health, safety and welfare resulting from the depositing of storm driven debris including vessels, motor vehicles, and remnants of homes and businesses into the coastal waterways and adjacent wetlands and that it is in the best interest of the citizens of the State of Mississippi to extend the Emergency Order and expedite the permitting procedures for the

removal of debris in the three coastal counties.

THEREFORE, for the purposes of expediting public projects for the restoration of the infrastructure and the removal of debris in the three coastal counties, the Commission on Marine Resources extends the Emergency Order for an additional 90 days from adoption and suspends the following regulations contained in the Mississippi Coastal Program authorized by Section 57-15-6, Miss. Code Ann. of 1972, as amended:

1. Chapter VIII, Section 2, Part III., Guidelines for Regulated Activities; and
2. Chapter VIII, Section 2, Part II., 19.a.; and
3. The provisions of the Mississippi Coastal Program as it relates to requirements to obtain permits from the Commission on Marine Resources and/or the Department of Marine Resources before conducting activities affecting coastal wetlands; and
4. Any provisions conflicting with the provisions of the emergency rules contained below and that may restrict the ability of the Executive Director of the Department of Marine Resources from issuing certificates of waiver.

FURTHER, the following emergency regulations shall be used to process and implement requests for authorization to restore the public infrastructure and to remove debris from the coastal waterways and adjacent wetlands:

1. Emergency permitting requests will be reviewed by the Executive Director of the Department of Marine Resources, or his designee, to determine if an emergency exists and that the project is related to the restoration of the infrastructure or the removal of debris from the waterways or adjacent wetlands; and
2. If in the judgment of the Executive Director, or his designee, after an on-site inspection, the proposed project has no or minimal impacts to the environment or is necessary to serve a higher public purpose and expedite the restoration of the infrastructure, the Executive Director may issue a certificate of waiver, and no permit shall be required.
3. This rule is effective upon adoption and remains in effect for 90 days.

Adopted, this the 21st day of February, 2006.

MISSISSIPPI COMMISSION ON MARINE RESOURCES

By: 
Dr. Vernon Asper, Chairman

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

By: 
Dr. William W. Walker, Executive Director